

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 2:19-nj-03676-MF-1
v.)	
)	
JONATHAN L. XIE,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR LEAVE
TO SUBSTITUTE COUNSEL OF RECORD**

Defendant, **JONATHAN L. XIE**, by and through his attorney, **THOMAS ANTHONY DURKIN**,¹ pursuant to the Due Process and Effective Assistance of Counsel Clauses of the Fifth and Sixth Amendments to the Constitution of the United States, respectfully moves this Court for its Order granting Mr. Durkin leave to substitute as his attorney of record, and granting his present, court-appointed attorney of record, **KEVIN CARLUCCI** of the Federal Public Defenders Office, leave to withdraw.

In support of this motion, Defendant, through counsel, states as follows:

1. On May 21, 2019, Defendant was arrested pursuant to a Criminal Complaint alleging, among other things, an attempt to provide material support or resources to a designated Foreign Terrorist Organization in violation of 18 U.S.C. § 2339B(a)(1), as well as violations of 18 U.S.C. § 1001(a)(2), and 18 U.S.C. § 875(c). At Defendant’s initial appearance on the same day, Mr. Carlucci was appointed to represent Defendant pursuant to the Criminal Justice Act.
2. On December 30, 2019, Mr. Durkin was formally engaged by Defendant’s family

¹ Mr. Durkin simultaneous with the filing of this motion has also filed a motion for leave to appear Pro Hac Vice pursuant to Local Criminal Rule 44.1

to represent Defendant in the instant case. On January 2, 2020, Mr. Durkin met with Defendant and Mr. Carlucci at the Essex County Jail; and Defendant consented to his family's decision to hire Mr. Durkin.

3. Defendant and his family wish for Mr. Durkin and undersigned counsel to represent him in this matter and consents to permitting Mr. Carlucci leave to withdraw.

4. Mr. Carlucci has been advised of this motion to substitute and he has no objection to the granting of this motion.

5. For all of the above reasons, Defendant hereby requests that Mr. Durkin be permitted to substitute as his attorneys of record, and that Mr. Carlucci's appointment under the Criminal Justice Act be terminated.

Respectfully submitted,

/s/ Thomas Anthony Durkin

THOMAS ANTHONY DURKIN

Attorney for the Defendant.

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